

FILED
UNITED STATES DISTRICT COURT IN CLERKS OFFICE
FOR THE DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

FRED T. VAN DAM,

Plaintiff

vs.

DAVID M. McSWEENEY, TRUSTEE
of MC REALTY TRUST,
ROCKLAND LEASE FUNDING CORP.,
UNITED STATES OF AMERICA, and
GENERAL ELECTRIC COMMERCIAL
EQUIPMENT FINANCING,

Defendants

Docket No. 04-12654-RGS

**MOTION OF DAVID M. McSWEENEY,
TRUSTEE TO REOPEN CASE AND
FOR RELEASE OF ESCROWED FUNDS**

Now comes the Defendant David M. McSweeney, Trustee of MC Realty Trust ("McSweeney"), and hereby moves that this Court order that case be reopened for the limited purpose of disbursement of the balance of funds held on deposit by the Clerk of this Court, and that said funds be released to McSweeney.

In support of the foregoing, McSweeney asserts that the above action is an action in interpleader to determine the appropriate disposition of surplus funds resulting from a foreclosure auction sale by the plaintiff. Said funds were deposited with the Court on March 14, 2005, and, since that date, all parties having an interest in the escrowed funds

have acknowledged satisfaction of their claims to the funds or have disclaimed an interest in said funds..

Therefore, McSweeney hereby requests that the Court order the release of said funds to him.

By his attorney,

A handwritten signature in black ink, appearing to read "John J. Russell", is written over the printed name.

John J. Russell, Esquire

15 Court Square

Suite 1150

Boston, MA 02108

(617) 720-1640

Fax: (617) 742-8636

Email: jrussellaw@aol.com

Dated: October 19, 2006